

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 4th day of October, 2002

Criminal Misc. Bail Application No. 1025 of 2002

Order on the Bail Application

CRIMINAL SIDE

Wahid s/o Alisher
R/o Jogawala,
P.S. Manglore,
District Haridwar

Applicant

Versus

State of Uttaranchal.....

Opposite party.

Arising Out of Crime No. 81/374/2001
Under Sections: 302, I.P.C.
Police Station: Manglore,
DISTRICT: Haridwar

By the Court

Hon. A. A. Desai, C.J.

Heard Sri Arvind Vashistha, learned counsel for the applicant and learned A.G.A.

The applicant is facing prosecution alongwith others for the offence punishable under section 302, I.P.C. read with section 34, I.P.C. Two accused, according to Sri Arvind Vashistha, learned counsel for the applicant, were released on bail on the plea that though there were four assailants as named in the F.I.R. carrying deadly weapon, the victim (deceased) sustained only one injury. Sri Arvind Vashistha, therefore, urged that on the ground of parity, the applicant is also entitled to be released on bail. Considered this aspect at length.

However, from the statement of the witnesses, it is revealed that at the time of the incident of assault on deceased, this applicant accused held deceased while another co-accused gave blow with the aid of *Tabal*. This aspect is eloquent to indicate that this applicant accused has substantially and actually shared the intention for the execution of the crime. Therefore, according to me, the applicant is not entitled to bail.

The bail application is, therefore, rejected.

04.10.2002

(A.A. Desai, C.J.)

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